

2125 41

#9

2A
6/15/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Mitsuhiko KADONO**

Group Art Unit: **2125**

Serial No.: **09/729,434**

Examiner: **Sheela S. RAO**

Filed: **December 5, 2000**

Confirmation No.: **6488**

For: **TOOL PATH DATA GENERATION APPARTUS FOR NC MACHINE
TOOL AND NUMERICAL CONTROLLER PROVIDED WITH IT**

Attorney Docket No.: **001425**

Customer Number: **38834**

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED

JUN 07 2004

June 1, 2004

Sir:

Technology Center 2100

Applicant filed an Amendment under 37 C.F.R. §1.111 on February 20, 2004 in response to the Office Action dated November 25, 2003.

Applicant received an Office Communication from the United States Patent and Trademark Office dated May 3, 2004, which stipulated that "[t]he amendment, however, cannot be considered because the attorney who has signed and filed the amendment is not of record. There is no record of submission of a change of address or power of attorney in the Office files."¹

However, Section 405 of the MPEP (on page 400-21) calls for the following:

Papers may be filed in the patent applications by registered attorneys or agents not of record under 37 C.F.R. §1.34(a). Filing of such papers is considered to be a representation that the attorney or agent is authorized to act in a representative capacity on behalf of applicant.

In view of Section 405 of the MPEP, it is respectfully submitted that the filing of the Amendment under 37 C.F.R §1.111 on February 20, 2004 is considered as a representation that the registered attorney Thomas E. Brown is authorized to act in a representative capacity on behalf of the Applicant.

¹ Please see, lines 2-5, page 2 of the Office Communication dated May 3, 2004.


In addition, a Change of Corresponding Address is being submitted to clarify the mailing address for the law firm responsible for this case.

In view of the above, Applicant respectfully submits that this Response overcomes the issues of non-compliance, and that this Response is timely since it is being filed within one month from the May 3, 2004 Office Communication.

Moreover, Applicant respectfully requests that the Amendment filed under 37 C.F.R. §1.111 on February 20, 2004 be properly considered by the United States Patent and Trademark Office.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Thomas E. Brown
Attorney for Applicant
Registration No. 44,450

TEB/jnj
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 822-1100 (t)
(202) 822-1111 (f)
Enclosure: Change of Corresponding Address